

To the Department of Planning, Housing and Infrastructure,

I am writing to formally lodge my strong objection to the amended design and Submissions Report submitted for the proposed development at 138 Maroubra Road. As the owner of a directly adjoining property on the eastern boundary, I submit that the developer's amendments fail to address the core planning, traffic, and structural issues that led to the dismissal of their previous appeal by the Land and Environment Court on November 7, 2024 (Maroubra Property Development Pty Limited v Randwick City Council [2024] NSWLEC 1716).

The developer has utilized the 15% infill affordable housing provisions primarily as a tactical lever to demand an even larger, more intrusive 10-storey building envelope. This strategy directly worsens the exact urban density, amenity, and streetscape impacts that the Court and the Sydney Eastern City Planning Panel previously rejected as unsustainable for this site context. I urge the Department to refuse consent to the current State Significant Development (SSD) application on the following grounds:

1. View Loss & High Wall Impact — Contradiction of Court Principles

The developer's Amendment Report asserts that the complete loss of expansive western and southern horizon views from Level 3 and upper-level units at 140 Maroubra Road is acceptable because such views are "inherently susceptible to change" in a dense town centre. This completely dismisses the planning principles reinforced by the Land and Environment Court regarding view sharing, visual amenity, and the requirement for reasonable design alternatives.

The developer has entirely refused to reduce the 32.5-meter building height or increase structural setbacks along the eastern boundary. The result is an uncompromising, raw 10-storey vertical massing located just 10 to 20 meters from my living windows and balcony. This layout creates an unconscionable "high wall" effect, plunging adjoining eastern residences into permanent visual claustrophobia and severely diminishing premium property investment value without offering a more skillful, stepped architectural alternative.

2. Failure of Site Amalgamation and Orderly Development

The Land and Environment Court previously highlighted that the subject site is a narrow allotment where the maximum allowable height and floor space index cannot be responsibly achieved without consolidation. The Court noted that the developer failed to acquire or amalgamate key adjacent parcels (such as the Maroubra Police Station site) to allow for an integrated block form with lower-scale footprints.

Instead of restructuring the layout to respect this physical constraint, the developer has responded by simply going vertical—scaling the building up to 10 storeys. This layout completely bypasses the Court's explicit expectations for orderly and economic use of land, opting to squeeze excessive density and structural volume directly against our shared eastern boundary line.

3. Strategic Abuse of Building Envelopes to Maximize Yield

The Court dismissed the previous local development appeal because the proposed bulk, scale, and building depth were fundamentally inappropriate for the precinct character. Rather than addressing this core architectural flaw, the developer's new Major Project submission relies heavily on statutory affordable housing bonuses as a pure lever to secure extra floors.

This approach exploits planning rules as a mathematical mechanism to bypass local character controls while failing to resolve the underlying urban density and overdevelopment issues highlighted by the Court. The tokenistic provision of affordable housing should not be accepted as a valid justification for creating severe, irreversible technical and spatial failures across adjacent boundaries.

4. Extreme Overshadowing & Loss of Natural Daylight

The submitted shadow modeling relies strictly on generic compliance with broad statutory margins under the Apartment Design Guide (ADG), completely failing to account for the localized microclimate reality of the Botanica building. By stacking a deep, unarticulated, 10-storey block directly to our west, our afternoon solar access is effectively decimated.

The natural light that my family relies on for basic health, psychological well-being, and internal temperature management will be cut off hours early. The developer's argument—that a rapid-moving shadow from a taller, narrower building is preferable to a standard 6-storey envelope—is an architectural sophistry designed to maximize commercial floor area at the direct, daily expense of existing neighbors' standard of living.

5. Traffic and Acoustic Safety Crises: Disregarding Rear Laneway Constraints

In a major design pivot to address state road limitations on Maroubra Road, the developer has modified the layout to consolidate 100% of residential, visitor, loading dock, and car-share vehicle movements to the rear via Piccadilly Place. This change directly ignores the physical constraints, pedestrian sightlines, and easement limitations of the rear thoroughfare that were heavily scrutinized during the 2024 Land and Environment Court appeal.

Piccadilly Place and the Bruce Bennetts Place roundabout are already severely congested bottlenecks, processing dense commercial loading docks, delivery trucks, and high-volume retail traffic for Pacific Square shopping centre. Funneling an entire additional high-density development's vehicle access through this single lane will create constant traffic standstills, generate severe low-frequency acoustic pollution from idling vehicles right beneath our living spaces, and dangerously exacerbate pedestrian safety risks for the numerous elderly residents navigating this specific precinct.

Conclusion:

The substance of this amended application remains fundamentally out of scale and out of touch with the site's physical constraints. The developer's modifications merely shift severe traffic

bottlenecks from the front to the narrow rear lane while using affordable housing incentives to aggressively override established local height restrictions. I respectfully request that the Department uphold the planning stance established by Randwick Council, the Planning Panel, and the Land and Environment Court, and refuse consent to this profound overdevelopment.